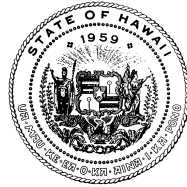


SB 1405

| | |
|-------------------|--|
| Measure Title: | RELATING TO ELECTRONIC SMOKING PRODUCTS. |
| Report Title: | Unlawful Shipment of E-liquid Products; Tobacco Products; E-liquid; License Fee; Retail Permit Fee; Health Education and Prevention Programs |
| Description: | Establishes the offense of unlawful shipment of e-liquid products. Includes e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Allocates a portion of funds collected excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices. |
| Companion: | HB1574 |
| Package: | None |
| Current Referral: | CPH, JDC/WAM |

Introducer(s): BAKER, S. CHANG, K. RHOADS, RUDERMAN, Fevella,
Kanuha, Keith-Agaran, Kim, Nishihara, Shimabukuro



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of S.B. 1405
RELATING TO ELECTRONIC SMOKING PRODUCTS**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Hearing Date: February 13, 2019

Room Number: 229

Fiscal Implications: The Department of Health (DOH) defers to the Department of Taxation (DOTAX) for fiscal implications of implementation and to the Department of the Attorney General (AG) for fiscal implications for enforcement.

Department Testimony: The DOH supports Senate Bill 1405 (S.B. 1405) as a measure to protect the public's health, especially youth, from the harmful effects of tobacco use and initiation. The bill makes unlawful the shipping of e-liquid products to consumers except for licensed wholesalers or dealers. It provides for the inclusion of e-liquid in the definition of tobacco products, the imposition of an excise tax, the requirement for licensing and permitting fees, and an increase in licensing and permitting fees. The Department defers to DOTAX for implementation, and to the AG regarding the enforcement of the shipping regulations.

Despite tremendous progress in reducing smoking, tobacco use is still the leading cause of preventable illness and death in the United States and in Hawaii.¹ It is crucial that the progress made in reducing cigarette smoking among youth and young adults not be compromised by the initiation of electronic smoking devices (ESDs), also known as vaping or e-cigarettes. Most ESDs purchased in the US contain nicotine, which is highly toxic and

¹ Centers for Disease Control and Prevention. *Best Practices for Comprehensive Tobacco Control Programs, 2014*. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014

addictive.² Several studies have shown that youth who use e-cigarettes are more likely to also use regular cigarettes.^{3,4,5}

New findings from the 2018 National Youth Tobacco Survey (NYTS) demonstrated a dramatic increase in youth use of ESDs. From 2017 to 2018, there was a 78% increase in current e-cigarette use among high school students and a 48% increase among middle school students.⁶ In a rare advisory in December 2018, the U.S. Surgeon General, Dr. Jerome Adams, officially declared “e-cigarette use among youth an epidemic in the United States”.⁷ Likewise, Dr. Scott Gottlieb, Commissioner of the U.S. Food and Drug Administration, in his press statements described his shock at the alarming surge in youth uptake of ESD and that youth vaping is an epidemic.^{8,9} Hawaii rates of youth ESD use is higher, with 25% of high school students reporting being regular users, and 42% had tried them, and rates for neighbor islands are consistently higher than state rates.¹⁰

The Department supports the restriction of shipping tobacco products to anyone other than a licensed wholesaler/dealer, that is engaged in the business of selling tobacco products and is on the DOTAX authorized list. This will strengthen protections for youth and young adults and provide a public health policy to counter the preferred purchasing method by middle

² Marynak, et al. Sales of Nicotine-Containing Electronic Cigarette Products: United States, 2015. *Research and Practice*, AJPH, published online March 21, 2017.

³ Watkins SL, Glantz SA. Association of Noncigarette Tobacco Products Use with Future Cigarette Smoking Among Youth in the Population Assessment of Tobacco and Health (PATH) Study, 2013-2015. *JAMA Pediatric*. Published online January 2, 2018.

⁴ Barrington-Trimis, JL, Urman, R, Berhane, K, Unger, JB, Cruz, TB, Pentz, MA, Samet, JM, Leventhal, AM, McConnell, R. E-Cigarettes and Future Cigarette Use. *Pediatrics*.2016-0379.

⁵ Wills, TA, Knight, R, Williams, RJ, Pagano, I, Sargent JD. Risk Factors for Exclusive E-Cigarette Use and Dual E-Cigarette Use and Tobacco Use in Adolescents. *Pediatrics*. 2014-0760.

⁶Notes from the Field: Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students- United States, 2011-2018. (n.d.), 2.

⁷ Health (ASH), A. S. for. (2018, December 17). Surgeon General releases advisory on E-cigarette epidemic among youth [Text]. Retrieved January 26, 2019, from <https://www.hhs.gov/about/news/2018/12/18/surgeon-general-releases-advisory-e-cigarette-epidemic-among-youth.html>

⁸ Commissioner, O. of the. (n.d.). Press Announcements - Statement from FDA Commissioner Scott Gottlieb, M.D., on new data demonstrating rising youth use of tobacco products and the agency's ongoing efforts to confront the epidemic of youth e-cigarette use [WebContent]. Retrieved January 30, 2019, from <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/UCM620185.htm>

⁹ Commissioner, O. of the. (n.d.). Press Announcements - Statement from FDA Commissioner Scott Gottlieb, M.D., on new steps to address epidemic of youth e-cigarette use [WebContent]. Retrieved February 11, 2019, from <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm631112.htm>

¹⁰ Hawaii School Health Survey/ Youth Risk Behavior Survey (2017)

1 and high school student ESD users; 64 percent and 60 percent, respectively said they purchase
2 from friends.¹¹

3 Hawaii is among five states (including California, Oregon, New Jersey, and Maine) in the
4 country that prohibit the sales of tobacco products to any person under the age of twenty-one
5 years. Such legislation specifically addresses face-to-face transactions and is meant to prevent
6 youth access and initiation of tobacco use. However, the acceleration of online tobacco product
7 sales has created a dangerous loophole, undermining efforts to protect public health, by
8 providing an appealing option for underage smokers. In the current unregulated online market,
9 youth easily, and often, circumvent the age verification process for purchasing tobacco. In some
10 transactions age verification simply requires the consumer to acknowledge that a person is over
11 the legal age to purchase by clicking the word, “agree,” to advance the transaction.

12 The Internet Tobacco Vendors Study (ITV), supported by the National Cancer Institute
13 and the United States Food and Drug Administration (USFDA) Center for Tobacco Products, has
14 monitored the online tobacco industry for over fifteen years, to assess sales practices and public
15 health impacts. In 2016, its study found that minors were successful in buying ESDs online 93
16 percent of the time despite age restrictions and another study found that ESDs were often
17 shipped from internet vendors without instructions or health warnings. Due to the easy access
18 for minors through online marketing, researchers recommend more vigorous policies to prohibit
19 sales to minors.^{12,13}

20 Unregulated online access provides a way for the purchaser and tobacco industry to avoid
21 federal and state taxes, resulting in loss of revenue and evasion of an important public health tool
22 for prevention.¹⁴ Youth are price sensitive and online purchasing options are a less expensive
23 method for acquiring tobacco products including ESDs. Hawaii has seen ESD use by youth and

¹¹ Hawaii School Health Survey/Youth Tobacco Survey (2017)

¹² Williams RS, Derrick J, Ribisl KM. Electronic Cigarette Sales to Minors via the Internet. *JAMA Pediatric*. 2015;169(3): e1563.
doi:10.1001/jamapediatrics.2015.63.

¹³ Kong AY, Derrick JC, Abrantes AS, Williams RS. *What is included with your online e-cigarette order? An analysis of e-cigarette shipping, product and packaging features. Tobacco Control*. [Epub ahead of print] June 29, 2016. doi:10.1136/tobaccocontrol-2016-053061.

¹⁴ *The National Association for Convenience and Fuel Retailing*: <http://www.nacsonline.com/Advocacy/Issues//Tobacco/Pages/RemoteSalesofTobacco.aspx>

1 young adults increase at an alarming rate.¹⁵ ESDs are now the most commonly used tobacco
2 product among youth in the nation, and in Hawaii.^{16,17} The electronic cigarette industry is
3 growing rapidly, with retail and online sales of electronic smoking devices projected to reach 10
4 billion dollars in 2017.^{18,19} The pricing, marketing, and variety of youth-friendly flavors are
5 contributing to the increased use of ESDs.²⁰

6 The Department supports the measure's proposed amendment that requires wholesalers
7 and retailers of e-liquids, to obtain the applicable license or permit. Presently, vendors that sell
8 only ESDs are required to have only a General Excise License compared to establishments that
9 sell cigarettes and other tobacco products. In adherence to Act 206, of 2018 session laws,
10 requiring the AG to establish an Electronic Smoking Device Retailer Registration Unit, 640
11 entities that sell ESDs have registered to date. Licensure and retail permitting would bring e-
12 liquid vendors in alignment with the traditional tobacco retailers and would provide accurate data
13 for compliance surveillance.

14 The proposed increases in licensure and permitting fees have remained unchanged since
15 1995, despite high tobacco taxes and ever-increasing tobacco industry expenditures in marketing
16 and advertising. Tobacco licensing is an effective tool for limiting the negative public health
17 consequences of tobacco use by ensuring that wholesalers and retailers comply with responsible
18 sales practices. The proposed licensing would apply to those who sell e-liquids.

19 The Department supports S.B. 1405 as a multifaceted public health policy to help prevent
20 access to e-liquid, e-cigarettes, cigarettes and tobacco products among youth and young adults,
21 and to encourage users to quit.

¹⁵ Hawaii State Department of Health, *2016-2020 Tobacco Use Prevention and Control in Hawaii, Five-Year Strategic Plan*, p.25.

¹⁶ U.S. Centers for Disease Control and Prevention (CDC), "Tobacco Use Among Middle and High School Students — United States, 2011- 2015," *Morbidity and Mortality Weekly Report (MMWR)* 65(14):361-367, April 14, 2016, <http://www.cdc.gov/mmwr/volumes/65/wr/pdfs/mm6514a1.pdf>

¹⁷ Hawaii State Department of Health, *Youth Risk Behavior Survey (2015)*

¹⁸ Herzog B, Gerberi J. *E-Cigs revolutionizing the tobacco industry*, 2013. <http://www.smallcapfinancialwire.com/wp-content/uploads/2013/11/E-Cigs-Revolutionizing-the-Tobacco-Industry-Interactive-Model.pdf>

¹⁹ Craver, R. (September 15, 2013). Analyst projection: *E-cigs will overtake traditional tobacco revenue at Reynolds in 2021*. *Winston-Salem Journal*. http://www.journalnow.com/business/business_news/local/analyst-projection-e-cigs-will-overtake-traditional-tobacco-revenue-at/article_948674ca-1ca9-11e3-a0ae-0019bb30f31a.html

²⁰ *ibid*

1 Thank you for the opportunity to testify.

2 **Offered Amendments:** None

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: TOBACCO, Prohibits Shipment of Tobacco Products, Adds Electronic Smoking Devices, Hikes Rates and Fees

BILL NUMBER: HB 1574; SB 1405 (Identical)

INTRODUCED BY: DECOITE, HASHIMOTO, KITAGAWA, MCKELVEY, MIZUNO, WILDBERGER, YAMASHITA; SB by BAKER, S. CHANG, K. RHOADS, RUDERMAN, Fevella, Kanuha, Keith-Agaran, Kim, Nishihara, Shimabukuro

EXECUTIVE SUMMARY: Prohibits the shipment of tobacco products, and the transport of tobacco products ordered or purchased through a remote sale, to anyone other than a licensee. Makes all provisions of the cigarette tax and tobacco tax law that relate to tobacco products applicable to e-liquid. Increases the license fee for wholesalers or dealers and the retail tobacco permit fee. Amends the taxes on cigarettes and tobacco products. Increases the excise tax for each cigarette or little cigar sold, used, or possessed by a wholesaler or dealer. Increases the excise tax on the wholesale price of each article or item of tobacco products, other than large cigars, sold by the wholesaler or dealer. Our question is whether tax increases are an effective way to advance the social policy goals contained in this measure.

SYNOPSIS: Adds a new section to chapter 245, HRS, to establish the offense of unlawful shipment of tobacco products. If a person is in the business of selling tobacco products and ships to a person in Hawaii that is not a tobacco tax licensee, the person commits the offense. Exceptions are provided if the tobacco products are exempt from Hawaii tobacco tax, or Hawaii tobacco tax on the products is already fully paid. The offense is a class C felony if the products being shipped have a value of \$10,000 or more, otherwise it is a misdemeanor.

Amends section 245-1, HRS, to include "e-liquid" within the definition of tobacco products taxable under the Tobacco Tax Law, and to define "e-liquid" as any liquid or like substance that may or may not contain nicotine and that is designed or intended to be used in an electronic smoking device, whether or not packaged in a cartridge or other container; except that E-liquid shall not include prescription drugs; medical cannabis or manufactured cannabis products; or medical devices used to inhale or ingest prescription drugs, including manufactured cannabis products sold or distributed in accordance with section 329D-10(a).

Defines "electronic smoking device" as any electronic product, or part thereof, that can be used by a person to simulate smoking in the delivery of nicotine or any other substance, intended for human consumption, through inhalation of vapor or aerosol from the product. Electronic smoking device includes but is not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen or related product, and any cartridge or other component part of the device or product.

Amends section 245-2, HRS, to raise the annual fee for a tobacco license from \$2.50 to \$250.00.

Amends section 245-2.5, HRS, to raise the annual fee for a retail tobacco permit from \$20 to \$50.

Amends section 245-15, HRS, to add an earmark of \$200,000 to go to the Hawaii tobacco prevention and control trust fund.

Repeals chapter 28, part XII, HRS, relating to the electronic smoking device retailer registration unit within the Department of the Attorney General.

Repeals section 245-17, HRS, relating to delivery sales.

EFFECTIVE DATE: July 1, 2019.

STAFF COMMENTS: The question that should be asked is the purpose of the tobacco tax. If the goal is to make people stop smoking by making it cost-prohibitive to smoke, then (a) it's working, as hikes in the cigarette tax have begun to exert downward pressure on collections not only locally but also nationally, but (b) it shouldn't be expected to raise revenue, because of (a). If the goal is really to stop the behavior, why are we not banning it?

As the Foundation's previous President, Lowell Kalapa, wrote in the Tax Foundation of Hawaii's weekly commentary on October 28, 2012:

Lawmakers seem to have a simplistic reaction to solving problems the solution to which plagues their constituents – tax it.

Probably the best example is what people like to call sin taxes, those excise taxes that are levied on tobacco and alcohol products. After all, smoking causes cancer and alcohol causes all sorts of problems including driving under the influence. Lawmakers and community advocates shake their heads and push for higher tax rates, arguing that making these products more expensive will deter folks from using these products.

The problem is that lawmakers also like the revenues that are generated from the sales of these products and, in some cases, they have tried to link the use and sale of these products with noble causes such as the funding of the Cancer Research Center that is currently being built. Again, the argument is that smokers should pay for programs and projects which seek to cure the related ill which in this case is cancer caused by smoking.

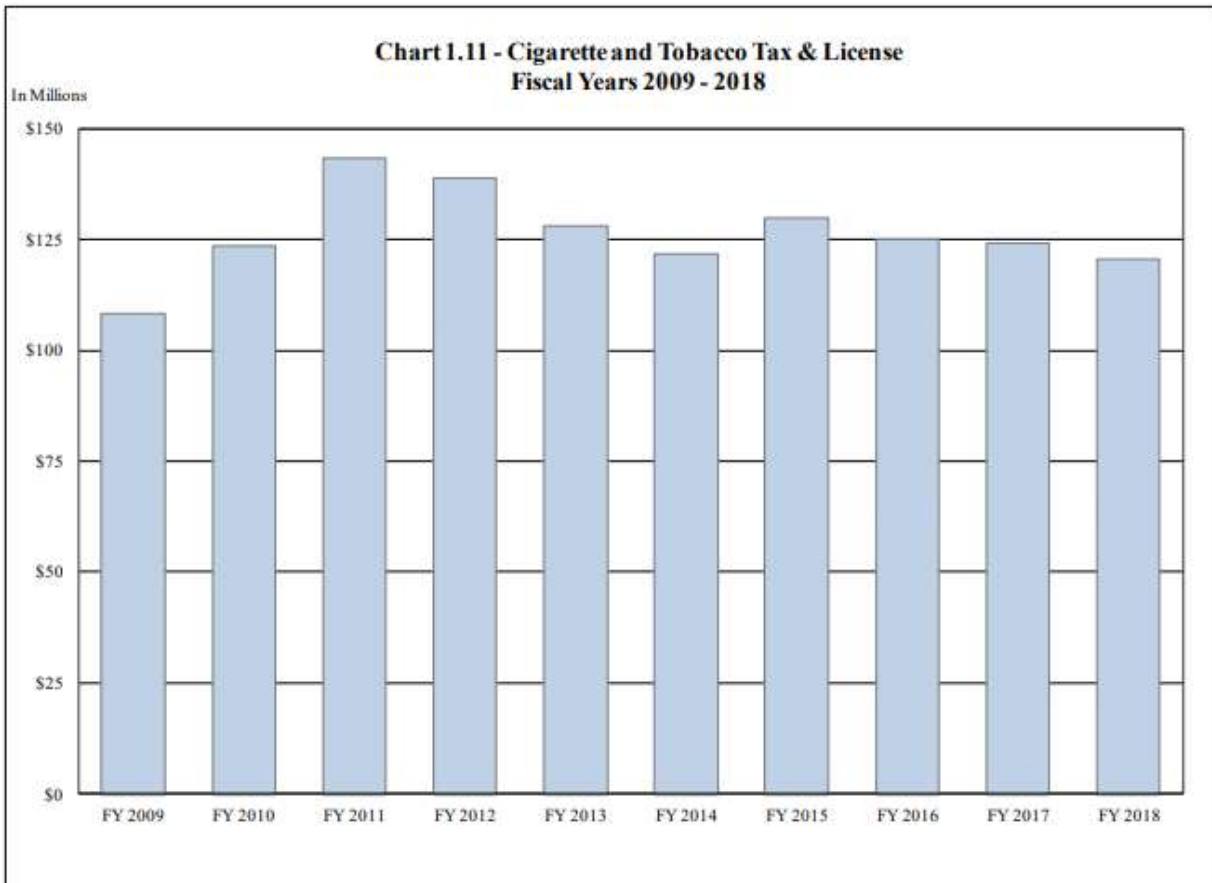
The irony is that arguments to increase the tax on tobacco and, more specifically, cigarettes, is a goal of getting smokers to quit while depending on the revenues from tobacco and cigarette taxes to fund an ongoing program, in this case the Cancer Research Center. So, which is it folks, stop smokers from smoking and if successful, there won't be any revenues to fund the Cancer Research Center?

The fact of the matter is that it appears that both locally and nationally, higher taxes on cigarettes is having an effect on smokers as, for the first time, tax collections on the sale of cigarettes have fallen below the previous year's tax collections. Certainly some of the decline is due to smokers actually quitting, but to some degree one has to suspect that some purchases were made via mail order from exempt Indian reservation outlets while

others may be what is called gray market purchases, that is from sources outside the country.

What should come as a surprise is that most of the folks who have quit are of some means as they are more likely to recognize the health hazard caused by use of this product. That means most of those who are still smoking are among the lower-income members of our community. Thus, the tax is regressive, generating less and less collections from middle and higher-income individuals.

As predicted, programs that have been fed by earmarks from the tobacco tax, like the Cancer Research Center, have become a victim of the success of tobacco cessation programs and publicity. Revenues produced by the tobacco tax have been in steady decline over the past few years despite tax rate increases, and hoisting the smoking age to 21 in the 2015 session certainly didn't reverse the trend.



Source: Department of Taxation Annual Report (2017-2018), page 22.

Do we really need an elaborate study to tell ourselves that fiscal reliance on funds from a sin tax is inadvisable or outright dangerous? If the goal is to affect social behavior, use of the tax law is not the most effective way to do so.

Digested 1/30/2019

SB-1405

Submitted on: 2/6/2019 3:44:19 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--------------------------------|--------------------|--------------------|
| Sean Anderson | Testifying for Black Lava Vape | Oppose | Yes |

Comments:

I could write a big paragraph on this, but I can keep it simple. There is NO tobacco in e-liquid. There is Nicotine, but if Nicotine is what classifies it as a tobacco product then the Nicotine Patch, Nicotine Gum, and Nicotine Lozenges should also be classified as tobacco products, they are not. Also, 25-30% of e-liquid sold has NO nicotine. As far as hardware goes, a device by itself is nothing. It would be similar to taxing or banning a lighter, or matches.



**Testimony to the Senate Committee on Commerce, Consumer Protection and Health
Wednesday, February 13 2019; 9:10 a.m.
State Capitol, Conference Room 229**

RE: SUPPORTING SENATE BILL NO. 1405, RELATING TO ELECTRONIC SMOKING PRODUCTS.

Chair Baker, Vice Chair Chang, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 1405, RELATING TO ELECTRONIC SMOKING PRODUCTS.

The bill, as received by your Committee, would:

- (1) Apply the excise tax on tobacco products on e-liquid;
- (2) Require retailers of e-liquid to obtain a retail tobacco permit to sell, possess, keep, acquire, distribute, or transport e-liquid;
- (3) Prohibit the unlicensed wholesale and retail sale of e-liquid;
- (4) increase the license fee for the wholesale and retail sale of cigarettes and tobacco products;
- (5) Increase the fee for the retail tobacco permit;
- (6) Deposit \$200,000 in tobacco tax revenue to the Hawaii Tobacco Prevention and Control Trust Fund after June 30, 2019; and
- (7) Take effect on July 1, 2019.

Testimony on Senate Bill No. 1405

Wednesday, February 13, 2019; 9:10 a.m.

Page 2

Federally Qualified Health Centers (FQHCs) provide desperately needed medical services at the frontlines in rural communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of health.

FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco affect our citizenry on a generational basis with people experimenting at even earlier ages.

It is for this reason that the HPCA joins the Hawaii Public Health Institute and other advocates in strong support of all efforts to rid the marketplace of these products.

In advance, thank you for your consideration of our testimony.

Wednesday, February 13, 2019 at 9:10 AM
Conference Room 229

Senate Committee on Commerce, Consumer Protection and Health

To: Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair

From: Michael Robinson
Vice President, Government Relations & Community Affairs

Re: **Testimony in Support of SB 1405
Relating to Electronic Smoking Products**

My name is Michael Robinson, Vice President, Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

I write in support of HB 1405 which establishes the offense of unlawful shipment of e-liquid products; includes e-liquid within the definition of "tobacco products" in the cigarette tax and tobacco tax law; increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products; and allocates a portion of funds collected in excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for the youth.

E-cigarette use or vaping among youth and young adults has become a national public health concern. e-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawaii have decreased through the years, ESD use has rapidly increased, threatening significant public health gains through our Tobacco 21 law and tobacco youth access laws. This is particularly concerning because e-cigarettes provide a new way to deliver the addictive drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids.

Without regulation, e-cigarette manufacturers will continue to aggressively market their products by using young adults and celebrities as endorsers, glamorizing its use, promoting deep discounts, and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple.

Now that the FDA has deemed ESDs as tobacco products, this measure timely and appropriately seeks to regulate and tax e-liquids, which are not currently taxed, the same way as other tobacco products. In addition, a use of a portion of these revenues would help in curbing the prevalence of e-cigarette use especially among our youths.

Thank you for the opportunity to testify.



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 13, 2019**

Re: SB 1405 Relating to Electronic Smoking Products

Good morning Chairperson Baker and members of the Senate Committee on Consumer Protection and Health. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We OPPOSE SB 1405 Relating to Electronic Smoking Products. This bill would establish the offense of unlawful shipment of e-liquid products; include e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law; increase the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products; increase the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products; allocate a portion of funds collected excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth; and repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

It is not fair to categorize vapor products and e-liquids as a tobacco product. They are not the same. E-cigarettes contains NO tobacco and NO smoke is emitted when vaporized. The New England Journal of Medicine published an article recently found that e-cigarettes were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

Retail has changed over the years in how products are purchased. We are seeing a surge in online sales for all types of merchandise. It almost impossible for anyone under the age of 21 to purchase vape products locally online or at a brick and mortar store. The online verifications vetting process is intense to ensure those purchasing are 21 or older and retailers do check IDs. We are seeing that the vape products are being purchased by those who are legitimately 21 and older like parents, friends and siblings and then they gift the product to those under 21. Once the product leaves the store, we have no control over who it is given to. We are also aware that organized crime sells products on the black market - where people are reselling stolen items and not caring what the age the person it purchasing it.

Many retailers statewide are already operating on a thin margin and face stiff competition. Raising the tobacco tax and permit fee will truly hurt locally owned businesses, especially the small locally owned businesses' and may potentially force some of them to close. This would mean the convenient corner store would be gone and leaving people out of work.

We should be focused more on those how those under 21 are obtaining these products and who are selling these items illegally and on the black market.

We urge you to hold this measure. Mahalo for this opportunity to testify.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Commerce, Consumer Protection and Health
Wednesday, February 13, 2019 at 9:10 a.m.

By
Randall F. Holcombe, MD, MBA
Director, University of Cancer Center
And
Michael Bruno, PhD
Vice Chancellor for Research
University of Hawai'i at Mānoa

SB 1405 – RELATING TO ELECTRONIC SMOKING PRODUCTS

Chair Baker, Vice Chair Chang, and members of the committee:

The University of Hawai'i Cancer Center (UH Cancer Center) supports this Bill and proposes consideration of amendment.

The UH Cancer Center is one of only 70 institutions in the U.S. that hold the prestigious National Cancer Institute (NCI) designation, and is the only NCI-designated center in the Pacific. The NCI designation provides greater access to federal funding and research opportunities. More importantly, it gives the people of Hawai'i and the Pacific region access to innovative and potentially life-saving clinical trials without the necessity of traveling to the mainland.

The UH Cancer Center is a leader nationally in research focused on tobacco control and tobacco-related cancer prevention. Faculty at the UH Cancer Center have been recognized as international leaders in research into the health effects of e-cigarettes and have been selected as members of National commissions engaged in Federal policy recommendations.

The UH Cancer Center supports SB 1405. However, additional research is needed on the health effects of e-cigarettes. Additional research is also needed to understand how tobacco company marketing influences youth to vape and to determine best approaches to combat this messaging. *Only the UH Cancer Center is positioned to perform this critically important research in the State of Hawai'i.*

We are recommending that SB 1405 be amended to specify that a portion of the revenue generated under SB 1405 be directly allocated to the UH Cancer Center distribution to support tobacco and cancer prevention research efforts that will greatly benefit the people of Hawai'i.

Thank you for the opportunity to provide testimony on this Bill.

DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF TAXATION
830 PUNCHBOWL STREET, ROOM 221
HONOLULU, HAWAII 96813
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Phone: (808) 587-1540 / Fax: (808) 587-1560
Email: Tax.Directors.Office@hawaii.gov

To: The Honorable Rosalyn H. Baker, Chair
and Members of the Senate Committee on Commerce, Consumer Protection, and
Health

Date: Wednesday, February 13, 2019
Time: 9:10 A.M.
Place: Conference Room 229, State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: S.B. 1405, Relating to Electronic Smoking Products

The Department of Taxation (Department) supports S.B. 1405 and offers the following comments for the Committee's consideration. A summary of the key provisions of S.B. 1405 are as follows:

- Adds a new section making it a misdemeanor or felony to ship e-liquid products in the State unlawfully;
- Adds a new definition for the terms "e-liquid," "electronic smoking device" and "smoke" or "smoking";
- Amends the definition of "tobacco products" to include e-liquid;
- Raises the fee for a tobacco wholesaler or dealer license from \$2.50 annually to \$250 annually;
- Raises the fee for a tobacco retailer permit from \$20 per location annually to \$50 per location annually;
- Amends the allocation of revenue collected under the cigarette stamp tax to provide \$200,000 to Hawaii Tobacco Prevention and Control Trust Fund; and
- Is effective July 1, 2019.

In order to effectively ascertain what retailers are selling e-liquid or electronic smoking devices as opposed to exclusively selling other types of tobacco products, the Department suggests amending section 245-2.5, Hawaii Revised Statutes as follows:

(d) A separate retail tobacco permit shall be obtained for each place of business owned, controlled, or operated by a retailer. In seeking a retail tobacco permit, the applicant shall specify whether each place of business sells e-liquid. A retailer

that owns or controls more than one place of business may submit a single application for more than one retail tobacco permit. Each retail tobacco permit issued shall clearly describe the place of business where the operation of the business is conducted[~~-~~] and whether the place of business sells e-liquid.

The Department notes that it can implement this measure as currently written. However, the Department respectfully requests that the bill be made effective January 1, 2020, to give the Department time to update its forms and make necessary system changes.

Thank you for the opportunity to provide testimony in support of this measure.



February 10, 2019

To: The Honorable Senator Sylvia Luke, Chair
The Honorable Senator Stanley Chang, Vice Chair
Members, Senate Committee on Commerce, Consumer Protection, and Health

From: Cory Smith, VOLCANO Fine Electronic Cigarettes®
CEO and Owner

RE: SB 1405 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes® is the largest independent retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 16 locations statewide and employ over 110 full-time workers to support sales of our products not only here in Hawaii, but to all 50 states as well as over 30 International countries. We stand in opposition to SB 1405 for the following:

- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet **SB 1405 deceptively refers to vapor products as “Electronic Smoking Devices”** to mislead the public and creates a false perception of the nature of these products. This misclassification establishes the idea that vapor products are the same as tobacco products and thus, should be viewed, controlled, and perceived the same way as traditional tobacco products. This is a complete disregard of the fact that vapor products are fundamentally different from tobacco products in every way.
- **SB 1405 states in its justification that the bill and its regulations are needed to curb youth usage.** It states “The Surgeon General's report noted that e-cigarette use has increased considerably in recent years, growing an astounding nine hundred percent among high school students from 2011 to 2015”. **However, it fails to mention the latest available CDC report that shows youth use of all tobacco products, including e-cigarettes are at the lowest levels ever. Furthermore, a study done the following year at the University of Michigan found that the majority of youth who have reported using e-cigarettes are not using e-liquids that contain nicotine** - further suggesting that youth who do use e-cigarettes are doing so to replace the use of traditional tobacco.
 - <https://www.cdc.gov/media/releases/2017/p0615-youth-tobacco.html>
 - <https://www.psc.isr.umich.edu/events/archive/feature-detail/1833>
- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by consumers to quit using traditional tobacco cigarettes
 - http://www.journalnow.com/business/business_news/local/cdc-report-shows-more-smokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html



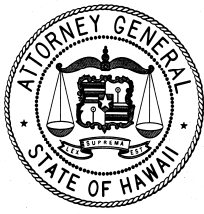
- A recent study published by the New England Journal of Medicine concluded that E-Cigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. We fail to see how this bill makes any sense.
 - <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>
- A recent study by the National Academy of Sciences, Engineering, and Medicine stated: "there is conclusive evidence that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users' exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes." The findings add to the already weighty body of evidence showing vaping to be far less hazardous than smoking.
 - <http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myth-that-vaping-is-as-toxic-as-smoking/article/2646804>
 - http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-e-cigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite
 -
- SB 1405 States in its justification that the use of licensing and permit fees will help "protect consumers, such as requiring retailers of e-liquids to obtain a retail tobacco permit". **We fail to see how requiring retailers to obtain a permit will translate to 'protecting the public'.** Rather, it will simply burden the 50+ small businesses operating in the vapor products industry with unnecessary fees and bureaucratic hurdles.
- SB 1405 would amount to a 9900% increase in licensing fees. This is a highly unreasonable increase that will result in a significant financial burden for all retailers included in the bills definition.
- Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. **Creating extraneous regulations that aim to limit access only serves to protect deadly tobacco markets.**
 - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/Ecigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf
- SB 1405's justification states that without taxing vapor products, "smokers may be tempted to purchase less expensive products such as e-liquid". This is false. Virtually all e-cigarette starter kits and bottles of e-liquid are already higher priced in comparison to tobacco cigarettes. An average reusable electronic cigarette starter kit ranges in price from \$30 to upwards of \$300 depending on the device. Furthermore, a 15ml bottle of e-liquid (the smallest bottle size currently offered) is currently retailed at \$12.99 at all of our locations, which is nearly 33% more costly than a standard pack of cigarettes, yet it provides nearly the same amount of puffs.



- **Most troubling is the fact that by subjecting vapor products to this proposed tax, the additional costs to consumers will likely result in the state seeing less tax revenue, and even worse, former smokers returning to tobacco use. The tax will result in current vapor users purchasing from online vendors who would not be subject to state taxes. Local manufacturers, wholesalers and retailers would be put at a massive competitive disadvantage and most retail customers would send their money out-of-state effectively lowering the tax revenue already being generated by sales of vapor products here in the state.** We would be unable to compete in other out-of-state and international markets with competitors who are not subjected to the same tax, which would put our local operations in severe jeopardy meaning an immediate loss of jobs and existing revenues. This bill would also effectively reduce access to a modified risk product that has been a public health win and would simply prop up and protect the proven deadly tobacco market.

It is our belief that this continuing unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,
Cory N. Smith
CEO & Owner
VOLCANO Fine Electronic Cigarettes®
1003 Bishop Street #1260
Honolulu, HI 96813
cory@volcanoecigs.com



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

S.B. NO. 1405, RELATING TO ELECTRONIC SMOKING PRODUCTS.

BEFORE THE:

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

DATE: Wednesday, February 13, 2019 **TIME:** 9:10 a.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Clare E. Connors, Attorney General, or
Delanie D. Prescott-Tate, Deputy Attorney General

Chair Baker and Members of the Committee:

The Department of the Attorney General supports the bill and provides the following comments and suggested amendments.

The bill seeks to address the health dangers caused by the rapidly growing use of electronic smoking devices in Hawaii, especially among the youth. This bill establishes the offense of unlawful shipment of e-liquid products to a person or entity that is not a licensee; increases licensing and permit fees for wholesalers, dealers and retailers of cigarettes and tobacco products; funds health education and prevention programs; repeals chapter 28, part XII, Hawaii Revised Statutes (HRS); and repeals section 245-27, HRS (Supp. 2018), relating to delivery sales.

This bill also seeks to include e-liquid, for the first time, within the definition of "tobacco products," which would place its regulation within the existing framework of the Department of Taxation. Retailers of e-liquid would now be required to obtain retail tobacco permits, and wholesalers and dealers of e-liquids would be required to obtain a license. This bill would allow the regulation of e-liquid products to be combined with the retail tobacco permitting process, a function already within the purview of the Department of Taxation, and would render the Electronic Smoking Device Retailer Registration Unit, recently created by 28-163, HRS (Supp. 2018), unnecessary.

As such, the Department of the Attorney General supports the repeal of Chapter 28, Part XII, HRS (Supp. 2018), based upon this bill's goal of subjecting e-liquids to taxation and regulation under chapter 245, HRS. Including e-liquids within the same regulatory framework as other tobacco products would conserve resources and make the regulation of e-liquids a more efficient process for the public and retailers.

The bill seeks to make the unlawful shipment of e-liquid products with a value of \$10,000 or more a class C felony, and unlawful shipment of e-liquid products with a value of less than \$10,000 a misdemeanor offense. The Department of the Attorney General would suggest that a method of determining the value of e-liquid products be added to this bill. For example, the \$10,000 amount may be assessed at wholesale, retail, or fair market value. Additionally, section 708-801, HRS (2014) contains a detailed discussion on the method of valuation, including as it relates to a specific state of mind. A comparable addition to this bill would provide clarity and strengthen the State's ability to successfully prosecute the newly proposed criminal offenses.

Thank you for the opportunity to provide comments.

SB-1405

Submitted on: 2/9/2019 11:01:48 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|---|--------------------|--------------------|
| Joseph Kohn MD | Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO | Support | No |

Comments:

Strongly support.

www.WeAreOne.cc

SB-1405

Submitted on: 2/11/2019 9:50:22 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|-----------------------------------|--------------------|--------------------|
| Mariner Revell | Testifying for Irie Hawaii Stores | Oppose | No |

Comments:

I strongly oppose this bill. It is hard enough being a small business in Hawaii dealing with Big biox stores, amazon, and other online sellers. We pay some of the highest fees in the nation for taxes, workers comp insurance, disability insurance, unemployment insurance, liability insurance, workers benefits, health insurance, license fees, and more when will it end! Doing business in Hawaii is very hard to all the regulations and fees please do not make it harder. I strongly oppose this bill. Mahalo for your time.

Date: February 13, 2019

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Committee on Commerce, Consumer Protection, and Health

Re: Strong Support of SB1405, RELATING TO HEALTH

Hrg: Wednesday, February 13, 2019 at 9:10am at Capitol Room 229

Thank you for the opportunity to submit testimony in SUPPORT of SB1405, which includes e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law.

The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of tobacco products, including electronic smoking devices, among adolescents and young adults.

With products like Juul and other popular electronic smoking devices, it is increasingly clear that these products are addicting a whole generation of youth to a harmful product. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and that there is an urgent need to protect children from a lifetime of nicotine addiction and associated health risks.

According to the Hawaii Department of Health, 45 percent of high school students and 26 percent of middle schoolers across our state use e-cigarettes. This underscores the severity with which e-cigarette use has penetrated our state's middle and high schools.

Under the Food and Drug Administration, electronic smoking devices are classified as a tobacco product, and yet they are the only product with that classification that does not have a tobacco tax. From the many decades of research done on tobacco control policy, it is clear that increasing the price of these products is a proven strategy that discourages access to these products, especially among youth.

We therefore urge you to support this measure. For the sake of our keiki and general public health, Hawaii should not allow e-cigarettes to continue to fly below the state's tobacco tax radar.

Mahalo,
Student Health Advisory Council

SB-1405

Submitted on: 2/11/2019 1:53:05 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|------------------------------------|--------------------|--------------------|
| Jostin Iriarte | Testifying for Hi Lyfe Vaporz, LLC | Oppose | No |

Comments:

Aloha,

My name is Jostin,

I strongly oppose Senate Bill 1405 "SB 1405",

As a small business owner in the state of Hawaii we own several businesses within the Vape industry, we comply with all rules, laws & regulations set forth by the State of Hawaii, also other states we do business in as well as remain up to date and compliant with The Federal Food & Drug Administration. We are a registered as a manufacture and a Retail business. We understand the teenage vaping epidemic is an issue but raising fees and adding taxes isn't the right way to go about resolving this issue. I personally support the fact and need for tobacco products to be taxed and understand fees to be inflated on a reasonable scale. But in all fairness the issues and the epidemic of teen vaping is caused by certain tobacco products like "Juul" being easily accessible in stores and places who don't follow all the rules and regulations, there should be more stings and a group to follow up on those issues to stop the sale to teens, websites like ours follow all protocol and regulations for example our website has a 2 verification process one is to enter and the much more strict one is to process payment and complete an order the "FDA" has already required us to implement a special age verification software, the process we have implemented is greatly effective we have tested our website many times and often check it. Please have in place to fine or otherwise Regulate those who aren't complying with all rules and regulations set by the state and FDA. If fees and taxes are to be implemented I/we HiLyfe Vaporz, LLC support fair practices when it comes to adding tax or inflating fees at a reasonable rate or percentages. Unfair fees, taxes or percentages will negatively impact small business like ours as well as employees and adults who have transitioned over to an alternative that has impacted Hawaii and the world's health and epidemic on combustible cigarettes. We will support the fact of having taxes and fees that won't negatively impact the public to resort back to combustible cigarettes. Mahalo Nui loa For Your Time. Below is a statement by the "FDA"

Here is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting

flavored cigarettes to age restricted stores, or areas.
Mahalo Nui Loa for your your time & consideration.

SB-1405

Submitted on: 2/11/2019 2:00:10 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|------------------------------|--------------------|--------------------|
| Jostin A Iriarte | Testifying for VapeWithAloha | Oppose | No |

Comments:

Aloha,

Dear representatives,

My name is Jostin,

I strongly oppose Senate Bill 1405 "SB 1405",

As a small business owner in the state of Hawaii we own several businesses within the Vape industry, we comply with all rules, laws & regulations set forth by the State of Hawaii, also other states we do business in as well as remain up to date and compliant with The Federal Food & Drug Administration. We are a registered as a manufacture and a Retail business. We understand the teenage vaping epidemic is an issue but raising fees and adding taxes isn't the right way to go about resolving this issue. I personally support the fact and need for tobacco products to be taxed and understand fees to be inflated on a reasonable scale. But in all fairness the issues and the epidemic of teen vaping is caused by certain tobacco products like "Juul" being easily accessible in stores and places who don't follow all the rules and regulations, there should be more stings and a group to follow up on those issues to stop the sale to teens, websites like ours follow all protocol and regulations for example our website has a 2 verification process one is to enter and the much more strict one is to process payment and complete an order the "FDA" has already required us to implement a special age verification software, the process we have implemented is greatly effective we have tested our website many times and often check it. Please have in place to fine or otherwise Regulate those who aren't complying with all rules and regulations set by the state and FDA. If fees and taxes are to be implemented I/we HiLyfe Vaporz, LLC support fair practices when it comes to adding tax or inflating fees at a reasonable rate or percentages. Unfair fees, taxes or percentages will negatively impact small business like ours as well as employees and adults who have transitioned over to an alternative that has impacted Hawaii and the world's health and epidemic on combustible cigarettes. We will support the fact of having taxes and fees that won't negatively impact the public to resort back to combustible cigarettes. Mahalo Nui loa For Your Time. Below is a statement by the "FDA"

Here is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible

tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas.
Mahalo Nui Loa for your your time & consideration.

February 13, 2019

RE: SUPPORT SB1405 Relating to Electronic Smoking Products

Dear Chair Baker, Vice Chair Chang, and Members of the Commerce, Consumer Protection & Health Committee:

At Blue Zones Projects we are working to make Hawaii a happier, healthier place to live, work and play. We support SB1405, which will help to regulate sales of electronic smoking devices. In Hawaii alone, smoking causes 1400 adult deaths per year and costs \$256 million. Limiting the use of tobacco would result in an extremely effective way to prevent a variety of chronic diseases and many other adverse health consequences.

An industry which is not regulated cannot be held accountable. This measure would mandate that e-cigarette retailers need to possess the appropriate retail tobacco permit to sell e-cigarettes and liquids, which would result in better oversight of this quickly growing industry. It is impossible to know if a retailer is selling to under 21 if there is no way to track the retailers.

The industry has been left to grow without paying the taxes it should be paying on its products. It is important to bring electronic smoking devices, and their parts, under the same tobacco taxes as other nicotine products. This alignment creates a more clear message to consumers. Furthermore, this measure will increase the cost for a tobacco license from \$2.50 annually to \$250 annually, and the cost of a retail permit will go from \$20 annually to \$50 annually. Even small businesses can pay these minimal raises in fees to be allowed to continue to profit from the sale of tobacco products.

Although Hawaii has one of the strictest laws in the nation prohibiting the sale of tobacco to individuals under the age of 21, our children are easily able to purchase cigarettes and other tobacco products via the Internet. This legislation will address this loophole by only allowing the online purchase and shipment of tobacco products to licensed retailers, where consumers can purchase.

There are still many people in Hawaii that don't truly understand the harmful effects of vaping. Likewise, student surveys with the Tobacco Coalition of Hawaii show us that parents are purchasing vape products for their kids, naïve to the real impact of addiction and health concerns vaping brings. In addition, we are learning that many kids access vape products online, using their parent's resources and information to order them. This loophole needs to be addressed and corrected.

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Nationally, there was a 78% increase from 2017-2018 in current e-cigarette use among high school students and 48% increase among middle school students. Bringing the total number of middle and high school students currently using to 3.6 million, 1.5 million more than the previous year. Hawaii youth are part of this trend. There continues to be a steep rise in the use of electronic smoking devices, and the unregulated industry allows for a simple and easy way for children to purchase these relatively inexpensive, undertaxed products.

Overall, there are a variety of issue this legislation will address. It is time to regulate an industry, to collect the appropriate taxes, raise the cost of licensing and permitting fees as well as ensure that there are no longer illegal online sales.

We are grateful to the Committee for hearing SB1405 and hope that you will consider passing this bill that will better regulate tobacco products.

Sincerely,

Laksmi Abraham

Laksmi Abraham
Blue Zones Project—Hawaii

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MacKinnon LLP

JoAnn Tsark, MPH
John A. Burns School of
Medicine, Native Hawaiian
Research Office

En Young, MBA
Sansei, Lanai

Date: February 11, 2019

To: Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Members of the Commerce, Consumer Protection and Health
Committee

Re: Strong Support for SB1405, Relating to Electronic Smoking
Products

Hrg: February 13, 2019 at 9:10am at Conference Room 229

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ is in **Strong Support of SB 1405** which imposes a tax on e-liquid, including disposable electronic smoking devices (ESDs), dedicates a portion of the revenue to tobacco prevention and control efforts, requires wholesalers and retailers to obtain a license and a retail tobacco permit, and restricts the shipment of tobacco products to anyone other than a licensee.

E-cigarette use among youth and young adults has become a public health concern.

In 2017, 1 in 4 (25.5%) public high school students and more than 1 in 6 (15.7%) public middle school students in Hawai'i reported that they are regularly vapingⁱⁱ. Hawai'i has the third highest high school e-cigarette rate in the Country. Because ESDs remain unregulated, e-cigarette companies have aggressively marketed their products by glamorizing their use, using celebrities and young adults as endorsers, and making false health claims. E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. A 2016 report by the Surgeon General concluded that e-cigarettes are dangerous and a health threat to youth and young adultsⁱⁱⁱ. According to a recent article published by Dr. Jackler and Dr. Ramamurthi, "JUUL has triggered a widespread rush among aerosol purveyors to market e-liquid in unprecedentedly high nicotine concentrations^{iv}."

Electronic smoking devices (ESDs) are the only tobacco product without a tobacco tax.

In 2016, the FDA deemed e-cigarettes, including its components and parts as tobacco products. In a poll^v conducted by Ward Research Inc.

for the Coalition in November 2018, 77% of registered Hawai'i voters were in support of taxing e-cigarettes at the same rate as cigarettes or other tobacco products. Because ESDs are not subject to current State tobacco tax laws, they are seen as lower-priced tobacco alternatives with virtually no restrictions that can be appealing to the youth. A local retailer is selling 15mL of e-liquid, some with strengths up to 50 mg of nicotine per mL, for as little as \$5.00^{vi}. Some companies have starter kits for \$0.99. Raising taxes and increasing the price of tobacco products is a proven strategy to reduce consumption for both adults and youth.

The Coalition supports establishing an ESD tax and appreciates that this measure dedicates a portion of the tax revenue to tobacco prevention and control programs.

ESD licensing and permits protect both consumers and merchants.

The Coalition recommends that ESD sellers and vendors obtain a tobacco permit and/or license which is currently required for any tobacco retailer or wholesaler. This consistency would assist with the communication and enforcement of current tobacco tax and purchase laws. In addition, the Coalition supports the proposed increased fees for the tobacco permit and license.

This measure corrects the loophole in our minimum age selling and tax laws.

Online ESD sellers simply ask users to click a button to verify their age – a process that is both ineffective and inadequate. This measure helps to correct this loophole by requiring that ESD products be shipped to a registered and licensed seller allowing the State to enforce current tobacco selling and taxation laws.

To reiterate, 25.5% of our high school youth reported that they are regularly vaping. However, our adult rate is 4.3%^{vii}. We need to take action and regulate electronic smoking devices for our kids. The current Surgeon General, VADM Jerome Adams issued an advisory last December “emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation’s young people^{viii}.” Hawai'i has made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reverse our youth vaping epidemic in order to save our youth from a lifetime of addiction.

Thank you for the opportunity to testify. We strongly support HB 1574 and respectfully ask you to pass this measure as is out of committee.

Mahalo,



Jessica Yamauchi, MA
Executive Director

ⁱ The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With more than two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

The Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ 2017 Youth Risk Behavior Surveillance System (YRBS).

<http://www.hawaiihealthmatters.org/indicators/index/dashboard?id=83016762154173692>

ⁱⁱⁱ U.S. Department of Health and Human Services. *E-cigarette Use Among Youth and Young Adults, a Report from the Surgeon General* (2017). From https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Exec_Summ_508.pdf

^{iv} Jackler RK, Ramamurthi D. Tob Control Epub ahead of print: 2.6.19.doi:10.1136/tobaccocontrol-2018-054796. <https://tobaccocontrol.bmj.com/content/early/2019/01/31/tobaccocontrol-2018-054796>

^v This study by Ward Research, Inc. summarizes findings from a phone survey among n=804 Hawaii registered voters (maximum sampling error +/-3.3%), conducted between October 8 and November 2, 2018.

^{vi} <https://www.volcanoecigs.com/strawberry-nicotine-salt-15ml-by-solace-vapor.html>

^{vii} 2016 Behavioral Risk Factor Surveillance System (BRFSS).

<http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=5203&localeId=14>

^{viii} Surgeon General Advisory, December 2018, <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

SB-1405

Submitted on: 2/12/2019 7:26:29 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--|--------------------|--------------------|
| Melodie Aduja | Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i | Support | No |

Comments:



American Cancer Society
Cancer Action Network
2370 Nuʻuanu Avenue
Honolulu, Hawaiʻi 96817
808.432.9149
www.acscan.org

Senate Committee on Commerce, Consumer Protection and Health
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

SB 1405 – RELATING TO ELECTRONIC SMOKING PRODUCTS

Cory Chun, Government Relations Director – Hawaii Pacific
American Cancer Society Cancer Action Network

Thank you for the opportunity to provide testimony in support of SB 1405, which prohibits the remote sale of e-liquids, increases the license and permit fees for wholesalers, dealers and retailers engaged in the sale of tobacco products and allocates a portion of funds collected from excise taxes on tobacco products to tobacco control programs.

According to data from the Centers for Disease Control and Prevention and the Food and Drug Administration's National Youth Tobacco Survey, the percentage of high school-age children reporting past 30-day use of e-cigarettes rose by more than 75 percent between 2017 and 2018. Use among middle school-age children also increased nearly 50 percent.

The following statistics highlight the problem we are facing.

- In the United States, youth are more likely than adults to use e-cigarettes.
- In 2018, more than 3.6 million U.S. middle and high school students used e-cigarettes in the past 30 days, including 4.9% of middle school students and 20.8% of high school students.
- In 2017, 2.8% of U.S. adults were current e-cigarette users.
- In 2015, among adult e-cigarette users overall, 58.8% also were current regular cigarette smokers, 29.8% were former regular cigarette smokers, and 11.4% had never been regular cigarette smokers.
- Among current e-cigarette users aged 45 years and older in 2015, most were either current or former regular cigarette smokers, and 1.3% had never been cigarette smokers. In contrast, among current e-cigarette users aged 18–24 years, 40.0% had never been regular cigarette smokers.

Tobacco retail licensing is a policy tool that enables the state to regulate businesses that sell tobacco products to ensure they comply with tobacco laws, to reduce tobacco-

related health disparities, and to combat the public health problems that tobacco use causes. Strong tobacco retail license laws are an effective way to limit youth access to tobacco by reducing illegal tobacco sales to youth and young adults. ACS CAN supports updating the state's licensing law and fees and we recommend revenues generated from the license fees be used for enforcement of tobacco control laws.

Thank you for the opportunity to provide testimony on this important matter.

SB-1405

Submitted on: 2/8/2019 2:19:11 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| C. Azelski | Individual | Support | No |

Comments:

Regulating electronic smoking devices (ESDs), also called e-cigarettes, is necessary to protect public health and prevent youth initiation and nicotine addiction. This bill would apply a tax to disposable ESDs and vape liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers. It would also dedicate \$200,000 of the revenues to the Hawai'i Tobacco Prevention and Control Trust Fund. Thank you.

SB-1405

Submitted on: 2/8/2019 11:13:03 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------------|--------------|--------------------|--------------------|
| austin keliinoi-westbrook | Individual | Oppose | No |

Comments:

SB-1405

Submitted on: 2/10/2019 12:25:31 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Ann Chung | Individual | Oppose | Yes |

Comments:

This bill, while well-intentioned is NOT the solution and has very negative unintended consequences.

1. NOT ALL E-LIQUIDS CONTAIN NICOTINE

I started at the highest level of nicotine (over 24 mg) and am now at ZERO nicotine. If you ask many of the local vape shops, their biggest sellers are 0 and 3 mg.

2. E-LIQUIDS ARE NOT TOBACCO

Those against e-liquids consistently mix-up the terms “tobacco”, “nicotine” and “e-liquids”. E-liquids are flavored fluid that produce vapor.

3. BANNING E-LIQUIDS WILL DECIMATE HAWAII’S LOCAL MOM & POP STORES

Anecdotally, there are about 200 local vape shops in Hawaii – each with about 10 employees. Banning e-liquids will close these local businesses, cause about 2000 workers to lose their jobs, and significantly reduce tax revenues to the state.

4. LOCAL VAPE STORES DO NOT WANT KIDS VAPING

Local vape owners have already followed FDA regulations and have re-packaged their products. They are all interested in working with organizations like the DOE to educate our keiki about vaping.

5. BANNING E-LIQUIDS WILL CAUSE ADULTS TO GO BACK TO CIGARETTES

According to a study by the International Journal of Environmental Research & Public Research, a ban will cause adults who successfully stopped smoking cigarettes by using flavored e-liquids – to go back to smoking cigarettes. This is a terrible unintended public health consequence of this bill.

I urge you to reconsider and defer this bill.

Mahalo for the opportunity to testify.

SB-1405

Submitted on: 2/11/2019 4:02:39 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Analisa Cortes | Individual | Oppose | No |

Comments:

How does this help anybody?! I oppose this bill and everything it stands for. As someone who has never even touched cigarettes in my life, I have no problem with those who choose to partake and don't feel it is fair for business who sell those products to have to pay more just so our government can have MORE money to fund the rail and any other mishaps that need additional funds.

I analisa cortes oppose this bill.

From: aseales@everyactioncustom.com on behalf of [Allison Seales](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 2:16:33 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Allison Seales
Honolulu, HI 96817

SB-1405

Submitted on: 2/12/2019 6:22:38 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--------------|--------------------|--------------------|
| Anden Gaballo | Individual | Oppose | No |

Comments:

I disagree with what the state is trying to do for people who sell and use electric cigarettes/ e-liquid. They are trying to increase taxes for business so that it is harder and much more difficult for them to order or ship product to and from customers. This will cause a lot of problems for some b

Individual

 he fact that for some people they live off of small business that sell these products and in Hawaii it already is an expensive place to live. People who sale the products are only trying to help those who want to quit smoking cigarettes, so I do not see why the government is making it hard for them to help people.

From: angelina@everyactioncustom.com on behalf of [Angelina Mercado](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 12:32:54 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Angelina Mercado
Honolulu, HI 96819

From: bmih@everyactioncustom.com on behalf of [Bryan Mih](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Monday, February 11, 2019 1:35:10 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

As a pediatrician in Honolulu and medical director of the Kapi'olani Smokefree Families Tobacco & Nicotine Cessation Program, I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids.

Electronic smoking devices (also known as vape devices) are clearly products meant to approximate the use of cigarettes and other tobacco products. Electronic smoking devices take a mixture of chemicals, including nicotine, and vaporize it at high temperatures. These devices emit nicotine byproducts and a variety of other chemicals, and they have not been fully studied in regards to safety. E-cigarette vapor has been shown to include carcinogens and toxins including nicotine, nitrosamines, diethylene glycol, formaldehyde, and acetaldehyde. The U.S. Food and Drug Administration has exhibited concern regarding the safety of electronic smoking devices as well.

E-cigarette use or vaping among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawai'i have decreased through the years, ESD use has rapidly increased, threatening significant public health gains made over the last decade. This is particularly concerning because e-cigarettes provide a new way to deliver highly addictive nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids.

Without regulation, e-cigarette manufacturers will continue to aggressively market their products by using young adults and celebrities as endorsers, glamorizing its use, promoting deep discounts, and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple.

ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products.

Please do not let vaping continue to go unregulated in Hawai'i. Thank you for your consideration and support of SB1405.

Sincerely,

Bryan Mih, MD, MPH, FAAP
Pediatrician

Sincerely,
Bryan Mih
Honolulu, HI 96822

SB-1405

Submitted on: 2/10/2019 11:18:36 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--------------|--------------------|--------------------|
| Bill Medeiros | Individual | Oppose | No |

Comments:

I mostly oppose this bill as it infringes on the rights of adult residents and visitors to purchase and receive legal products from lawfully operating companies. Moreover, while these products may be available from local retailers, these retailers may not provide a full inventory of products and may not provide the same inventory in rural areas of the state, as may be available on Oahu. Growing up on the Neighbor Islands in the days of the territory, we depended on mail order suppliers long before there was an internet. We shopped locally but still waited for the Sears Roebuck catalog to come in the mail.

If you want to prevent minors from purchasing e-liquids, spend money on education, not on trying to bring back Prohibition.

And much as in the case of Prohibition, merely making something illegal to purchase, certainly does not make it impossible to purchase - aerial fireworks have been illegal for decades, and yet, people are still able to purchase them.

For these reasons, I am opposed to this bill.

SB-1405

Submitted on: 2/12/2019 2:33:11 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Carissa Holley | Individual | Support | No |

Comments:

I support SB1405. Retailers need to be held accountable for the sales of e-cigarettes. Taxes are much needed to fund the prevention and cessation of youth (especially) who are already addicted.

We need to put much more stricter laws in place around uniform controlled substances.

SB-1405

Submitted on: 2/6/2019 6:23:26 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Chris Wells | Individual | Oppose | No |

Comments:

From: clint.gima@everyactioncustom.com on behalf of [Clint Gima](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Monday, February 11, 2019 1:27:30 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

As a high school teacher, I am witness to the epidemic hitting our youth. E-cig companies are targeting youth because they know they are easily influenced, have the resources, and can get their peers to get addicted. By adding candy and kid-friendly flavors to their liquid 'juice,' these companies are blatantly breaking laws by enticing youth.

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Clint Gima
Paia, HI 96779

From: cricketlachica@everyactioncustom.com on behalf of [Christopher La Chica](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Friday, February 8, 2019 10:28:31 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Christopher La Chica
Mililani, HI 96789

From: caagcaoi@everyactioncustom.com on behalf of [Clifford Agcaoili](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Friday, February 8, 2019 6:47:28 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Clifford Agcaoili
Hilo, HI 96720

From: chrisfukuimd@everyactioncustom.com on behalf of [Christine Fukui](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 8:21:24 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Christine Fukui
Honolulu, HI 96821

From: ccnalu@everyactioncustom.com on behalf of [Camille Chong](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Friday, February 8, 2019 6:20:26 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Camille Chong
Honolulu, HI 96826

From: colleenosheawallace@everyactioncustom.com on behalf of [Colleen Wallace](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 6:09:11 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Vape products are some of the most insidious products ever created by big tobacco. Originally advertised as a smoking cessation too, vaping was conceived to create more tobacco addicts, just when the U.S. had a handle on controlling and limiting its use - fewer people smoking, not socially acceptable to smoke, etc. Vaping is actually MORE addicting than cigarettes and also considered to be "cool" by youth. So, so sad for Hawaii and U.S. citizens who will die from lung disease, mouth cancers and throat cancers as a result.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

Please, please do everything you can to tax, control and limit e-smoking products!!!

I strongly support SB1405 and ask you to pass this out of committee.

Mahalo nui loa!!

Sincerely,
Colleen Wallace
Makawao, HI 96768

From: cherisse.fernandez@everyactioncustom.com on behalf of [Cherisse Fernandez](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Monday, February 11, 2019 1:30:22 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Cherisse Fernandez
Kahului, HI 96732

SB-1405

Submitted on: 2/11/2019 8:58:07 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| devan ferreira | Individual | Oppose | No |

Comments:

Aloha my name is Devan Ferreira, and I strongly oppose S.B. 1405. I oppose HB 1574 because this bill will be taking away the right for adults of legal smoking age to have the option to choose other electronic smoking products besides what is being sold at shops in state. I was a 2 pack a day smoker for 4 years before i was introduced to the less harmful option of vaping. With out vaping and being able to buy e-liquids and other electronic smoking devices off line and have them shipped here I would probably still be smoking regular computable cigarettes every day. Smoke shops here in Hawaii have a very small selection of electronic smoking products, with that being said online shopping and having the items shipped here gives smokers who are trying to quit more options and a wider variety. If this bill does pass and shops will have to get special licenses and pay an annual fee to the state some shops may close down limiting the options more and leaving their employees without a job. This is why I Devan Ferreira oppose S.B. 1405

From: sattp@everyactioncustom.com on behalf of [Dawn Pung](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 12:16:24 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Dawn Pung
Hilo, HI 96720

From: davidcao@everyactioncustom.com on behalf of [David Cao](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Friday, February 8, 2019 6:34:39 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

My name is David Cao and I am a student pharmacist. I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
David Cao
Hilo, HI 96720

SB-1405

Submitted on: 2/10/2019 6:03:54 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Darlene Ben | Individual | Oppose | No |

Comments:

Date: February 9, 2019

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Re: **Strong Support of SB1405**, Relating to Electronic Smoking Products

Hrg: February 13, 2019 at 9:10 AM in Capitol Room 229

Aloha Senate Committee on Commerce, Consumer Protection, and Health,

I am writing in **strong support of SB1405**, which regulates electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, licensing and permitting. In addition, it appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Increasing tobacco prices through taxes is a proven strategy to reduce youth use.

Establishing ESD licensing and permitting requirements identifies the retail establishments selling these products, allowing state agencies to readily and effectively communicate regulatory changes, product recalls and other important information to retailers.

I greatly appreciate that a portion of revenues generated from the ESD and e-liquid tax will be dedicated to tobacco prevention, cessation and education programs, and help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I **strongly support SB1405** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

SB-1405

Submitted on: 2/9/2019 8:26:55 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--------------|--------------------|--------------------|
| JamesDustin Ling | Individual | Oppose | No |

Comments:

I oppose SB1405. We live in a state where the ocean separates all the islands, I have chosen to support a local business that I believe helps the community and keeps money in the state. but Mostly major companies from out of the state of Hawaii are capable to open on multiple islands. I feel that by **Individual**s bill you will hurt many smaller stores that ship regularly to persons on different islands, while boosting sales to physical shops that are owned by mainland companies. I oppose SB1405.

SB-1405

Submitted on: 2/8/2019 5:45:26 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| James Gauer | Individual | Support | No |

Comments:

SB-1405

Submitted on: 2/7/2019 3:20:25 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Johnathon G. Myers | Individual | Oppose | No |

Comments:

SB-1405

Submitted on: 2/7/2019 11:02:31 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Jon Fia | Individual | Oppose | No |

Comments:

establishing e-liquids as a tobacco product is difficult and unfair as they are two completely different products. Its not fair to the traditional tobacco retailers that already follow strict guidelines end up having other regulations lumped on them from the challenges of e-liquids.

Regardless if a retailer is a tobacco or e-liquid retailer I also oppose an increase in permit fees. Hawaii is already the most difficult state to do business in and this just makes it even more difficult for a retailer to make an honest living. In the end, the costs will eventually be passed down to the consumer. At a certain point, rising prices will just drive consumers to the internet sales thus losing local dollars to mainland businesses not to mention lost tax revenue for the state.

SB-1405

Submitted on: 2/12/2019 6:48:27 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------|--------------|--------------------|--------------------|
| Jonovan Iriarte | Individual | Oppose | No |

Comments:

I disagree with what the state is trying to do for people who sell and use electric cigarettes/ e-liquid. They are trying to increase taxes for business so that it is harder and much more difficult for them to order or ship product to and from customers. This will cause a lot of problems for some because of the fact that for some people they live off of small business that sell these products and in Hawaii it already is an expensive place to live. People who sale the products are only trying to help those who want to quit smoking cigarettes, so I do not see why the government is making it hard for them to help people.

SB-1405

Submitted on: 2/9/2019 7:27:20 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| jason graham | Individual | Oppose | No |

Comments:

I do not support this bill. This bill clearly shows a way to slowly attack businesses of vaping. Only allowing businesses to purchase products eliminates the option of the consumer. I also see an increased fee in order to renew licences to a point of not being able to afford to do so. This is clearly a pathway to eliminate something clearly misunderstood

SB-1405

Submitted on: 2/11/2019 10:47:22 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Jinna Kim | Individual | Oppose | No |

Comments:

Hello,

Thank you for taking the time to read my testimony. I believe that shipping these items is not considered wrong because we take the measures of having double the security of verification when people try to checkout from the website. Please consider what ecigarette websites do to make sure that shipping out items to the address are fully secured and checked to make sure the legal age in the State is correct if not a manual verification is required. We take our sales seriously when it comes to shipping out items.

From: keawe9@everyactioncustom.com on behalf of [Joseph Keawe"aimoku Kaholokula](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Friday, February 8, 2019 1:38:06 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Joseph Keawe'aimoku Kaholokula
Honolulu, HI 96813

SB-1405

Submitted on: 2/11/2019 11:29:59 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Jess Lovely | Individual | Oppose | No |

Comments:

I feel that raising the tax on one specific item, or adding a new tax to a new item, isn't a very effective way to raise money for the state to fund programs. Our excise tax is extremely low compared to most of the other states in the U.S.A. I feel that raising the excise tax would be a better way to generate funds for the state. The government would benefit in every area including being able to make more money on all the visitors to our beautiful state. It's a great alternative to just adding taxes to specific items.

From: jodikunimitsu@everyactioncustom.com on behalf of [Jodi Kunimitsu](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Tuesday, February 12, 2019 11:42:25 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Jodi Kunimitsu
Kihei, HI 96753

SB-1405

Submitted on: 2/11/2019 1:38:05 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--------------|--------------------|--------------------|
| Jostin A Iriarte | Individual | Oppose | No |

Comments:

Aloha,

As an active individual in the vape industry and as customer, a former smoker of 20 years

I strongly oppose SB1405,

As a law abiding citizen and a smoker of 20 years many vape shops comply with all rules, laws & regulations set forth by the State of Hawaii, as well as remain up to date and compliant with The Federal Food & Drug Administration. They are a registered as a manufacture and or Retail business. I understand the teenage vaping epidemic is an issue but raising fees and adding taxes isn't the right way to go about resolving this issue. I personally support the fact and need for tobacco products to be taxed and understand fees to be inflated on a reasonable scale. But in all fairness the issues and epidemic of teen vaping is caused by certain tobacco products like "Juul" being easily accessible in stores and places who don't follow all the rules and regulations, there should be more stings and a group to follow up on that issues to stop the sale to teens, websites like some I purchase from follow all protocol and regulations, for example our www.hilyfevaporz.com has a 2 verification process one is to enter and the much stricter one is to process payment and complete an order, the "FDA" has already required businesses to implement a special age verification software, the process that has been implemented is greatly effective. Please have in place a way to fine or otherwise Regulate those who aren't complying with all rules and regulations set by the state and FDA. If fees and taxes are to be implemented I support fair practices when it comes to adding tax or inflating fees at a reasonable rate or percentages. Unfair fees, taxes or percentages may negatively impact small business their employees and adults who have transitioned over to an alternative that has impacted Hawaii and the world's health and epidemic on combustible cigarettes. I will support the fact of having taxes and fees that won't negatively impact the public to resort back to combustible cigarettes. Mahalo Nui loa For Your Time also below is a statement by the "FDA"

Here is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas.

Mahalo Nui Loa for your your time

SB-1405

Submitted on: 2/7/2019 2:19:17 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Molly Mamaril | Individual | Support | No |

Comments:

SB-1405

Submitted on: 2/7/2019 4:30:37 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Sabrina Spencer | Individual | Oppose | No |

Comments:

SB-1405

Submitted on: 2/7/2019 5:24:35 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Kaenz | Individual | Oppose | No |

Comments:

SB-1405

Submitted on: 2/7/2019 3:05:01 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Mealani Rahmer | Individual | Support | No |

Comments:

Please support regulation of electronic smoking devices. Without regulation, our community is inhaling chemicals which have only been regulated for ingestion! Please support SB 1405.

Thank you

SB-1405

Submitted on: 2/8/2019 12:32:03 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Michelle K. | Individual | Support | No |

Comments:

Not only should we tax these harmful smoking devices, the state should ban these products from entering Hawaii in the first place. Mahalo!

SB-1405

Submitted on: 2/9/2019 6:25:03 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Susan Larson | Individual | Oppose | No |

Comments:

SB-1405

Submitted on: 2/10/2019 2:19:08 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Noel Araki | Individual | Oppose | No |

Comments:

I oppose his bill

-Noel Araki

SB-1405

Submitted on: 2/11/2019 12:09:44 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Teddy Kim | Individual | Oppose | No |

Comments:

SB-1405

Submitted on: 2/11/2019 12:26:58 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Lauren Loor | Individual | Support | No |

Comments:

Aloha,

My name is Lauren Loor and I live in Kahului, Maui. I strongly support SB1405 because vaping is a huge problem among our youth. Youth in Maui are experimenting and using vaping products at much higher rates compared to the State average, with 50.7% (or 1 in 2 Maui youth) trying these products and 32.3% or (less than 1 in 3 Maui youth) regularly vaping. By including e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law, we are able to protect our children who are being surrounded by ESD products that are being marketed to them and our community. By increasing the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products and increasing the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products, there will be more accountability for tobacco retailers and hopefully will decrease the rate of ESD products sold to minors illegally. I support that this bill would allocate a portion of collected excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth. This is an issue across the state and it needs to be addressed, we need accountability from retailers and regulation of ESD products to protect the health of our community and children. Please support this bill for the future of our keiki.

Mahalo,

Lauren Loor

SB-1405

Submitted on: 2/11/2019 2:00:03 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------|--------------|--------------------|--------------------|
| Shannon Stevenson | Individual | Oppose | No |

Comments:

Aloha All,

I strongly oppose SB1405. I do not agree with making it illegal to ship to persons other than a licensee holder of a tobacco permit. I work at Hilyfe Vaporz in Waiane and this would take a huge amount of revenue from us. We depend on that revenue to remain open and keep educating vapers of the regulations that come up for vaping. We educate our customers on vaping in public simple manners to uphold while vaping in public as well. We also educate customers on bills that come up each year. Though I am to a degree for taxing the vape industry they need to be reasonable. I am also for teaching the youth about the risks of vaping when they are of age to choose. We at Hilyfe Vaporz has reached out to schools in our area to come and educate students but with no return call or messages back. I am for the education but we want to ensure that they receive the correct information, the current stereo type and just plain false information going around about vaping both mainland and in state. I oppose Sb1405.

mahalo for you time

SB-1405

Submitted on: 2/11/2019 10:52:55 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Marc | Individual | Oppose | No |

Comments:

To whom it may concern,

I am opposing the bill presented. As a long time vaper of 7+ years, vaping has been a huge help in my life and my health. I've been cigarette free for the last 4 years due to vaping and my doctor has commended me for the improvement of my overall health condition.

I believe this bill is unfair and unconstitutional to what us Americans believe in, which freedom of choice. It's unfair that something like vaping which is so innovative in helping millions of Americans quit dangerous traditional tobacco cigarette is being ignored and demonized as being far more dangerous, even though there's hundreds of studies saying otherwise or opposite.

This bill will cause thousand of Hawaii residents to go right back to smoking and thousand who work at small mom and pop vape shops to be unemployed, and their shops shut down and go out of business. There are much bigger issues here in Hawaii:

- Homelessness

- Alcohol, Flavored Alcohol, deaths caused by drunk driving which was recently in the news.

- High cost of living and limited homes and apartments for locals born and raised here, causing thousand each year to leave their homes to live in the mainland.

I implore you to please look over this bill you're trying to pass and see if it's in the best interest for the people of Hawaii.

I vape and I use flavored e-liquids and it saved my life along with millions around the world. Please don't take that away from us.

Sincerely, Vince Tran of Honolulu, Hawaii

SB-1405

Submitted on: 2/11/2019 3:02:14 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Vin Kim | Individual | Oppose | No |

Comments:

SB-1405

Submitted on: 2/11/2019 6:06:14 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Sean Higa | Individual | Oppose | No |

Comments:

SB-1405

Submitted on: 2/11/2019 7:58:44 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------|--------------|--------------------|--------------------|
| Teikiheekua Taupu | Individual | Oppose | No |

Comments:

SB-1405

Submitted on: 2/12/2019 6:44:11 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------------|--------------|--------------------|--------------------|
| Adrian-Marie Luna-Gaballo | Individual | Oppose | No |

Comments:

I disagree with what the state is trying to do for people who sell and use electric cigarettes/ e-liquid. They are trying to increase taxes for business so that it is harder and much more difficult for them to order or ship product to and from customers. This will cause a lot of problems for some because of the fact that for some people they live off of small business that sell these products and in Hawaii it already is an expensive place to live. People who sale the products are only trying to help those who want to quit smoking cigarettes, so I do not see why the government is making it hard for them to help people.

SB-1405

Submitted on: 2/12/2019 7:28:13 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------|--------------|--------------------|--------------------|
| Kaimana Brummel | Individual | Support | Yes |

Comments:

Aloha, I am Kaimana Brummel of Pukalani, Maui. I am a mom of two kids and I coach youth volleyball and canoe paddling. I am writing to support SB1405 relating to electronic smoking products.

As you know, we are facing a daunting vaping epidemic, with 32% of high school teens and 25% of middle school students actively using ESD in Maui County. In addition, we know that kids are now suffering from addiction to nicotine, and we're finding a growing need to bring cessation programs to high schools. Currently, Hawaii is ranked amongst the top 3 percent nationally for youth vaping.

We must make it harder to get ESD, especially online where teens do a majority of their shopping. If we can decrease access, we can work towards decrease use. Please choose our keiki over big tobacco.

Kaimana Brummel

Pukalani, Maui, HI

SB-1405

Submitted on: 2/12/2019 8:14:44 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| thomas wills | Individual | Support | Yes |

Comments:

Testimony:

Date: February 12, 2019

To: Sen. Rosalyn H. Baker, Chair

Sen. Stanley Chang, Vice Chair

Members of the Senate Committee on Commerce, Consumer Protection, and Health

Re: Strong Support of SB1405, Relating to Electronic Smoking Products

Hrg: February 13, 2019 at 9:10 AM at Capitol Conference Room 229

I strongly support SB1405, which would regulate e-liquids and electronic smoking devices (ESDs) as tobacco products through taxation, shipment, and licensing and permitting.

I support this bill because of findings from our research with Hawaii adolescents and adults conducted over the past 5 years. Recent studies have shown that ESD use is quite prevalent among Hawaii middle and high school students, in recent years over 40% of high school students having used e-cigarettes. Even at younger ages, the prevalence among middle school students is over 20% of the school population.

In addition to showing that e-cigarette use is prevalent among Hawaii school students, our studies have shown that ESD use is linked to several adverse outcomes. Notably, using e-cigarettes is related to initiation of cigarette smoking among previous

nonsmokers, hence is contributing to undesirable outcomes. Our findings from Hawaii have been reported in national and international scientific journals such as JAMA Pediatrics and have been confirmed in several different US sites as well as in Britain, Germany, Canada, and Mexico.

In addition, our research has shown that e-cigarette use is related to a higher likelihood of respiratory disease (asthma and COPD) among Hawaii adolescents and adults. This has recently been reported in the two scientific journals, the journal Preventive Medicine and the journal Drug and Alcohol Dependence. Thus there is now evidence that e-cigarette use may be linked to adverse health consequences as well as adverse behavioral consequences such as smoking initiation. Moreover, there is now considerable evidence to refute the belief that e-cigarettes help adults quit smoking. Rather, empirical studies of large populations have shown that people who use e-cigarettes are less likely to quit.

We have observed that e-cigarettes are aggressively marketed to Hawaii youth in television, print media, radio, and point-of-sale advertising venues. Without regulation, e-cigarette manufacturers will continue to aggressively market their products by using young adults and celebrities as endorsers, glamorizing its use, promoting deep discounts, and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple.

Because of the adverse consequences that are known to be related to e-cigarette use, I urge the legislature to regulate and tax e-cigarettes the same way as other tobacco products. ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products. In addition, a portion of these revenues should be dedicated to tobacco prevention and quit programs. This bill will also require a permitting and licensing which will allow the state to know who is selling e-cigarettes in Hawaii and work with these merchants to educate and enforce current tobacco laws.

I strongly support SB1405 and ask you to pass this out of committee.

Yours sincerely,

Thomas A. Wills, Ph.D.

Director, Cancer Prevention in the Pacific Program

University of Hawaii Cancer Center

SB-1405

Submitted on: 2/12/2019 8:28:59 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| taeleipu liliu | Individual | Oppose | No |

Comments:

To whom it may concern I oppose this bill.

SB-1405

Submitted on: 2/12/2019 6:41:08 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------|--------------|--------------------|--------------------|
| Valerie Luna-Gaballo | Individual | Oppose | No |

Comments:

I disagree with what the state is trying to do for people who sell and use electric cigarettes/ e-liquid. They are trying to increase taxes for business so that it is harder and much more difficult for them to order or ship product to and from customers. This will cause a lot of problems for some because of the fact that for some people they live off of small business that sell these products and in Hawaii it already is an expensive place to live. People who sale the products are only trying to help those who want to quit smoking cigarettes, so I do not see why the government is making it hard for them to help people.

From: eochoa@everyactioncustom.com on behalf of [Erick Ochola](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Sunday, February 10, 2019 1:44:55 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Erick Ochola
Kapolei, HI 96707

From: ma.julieta@everyactioncustom.com on behalf of [Maria Pineda](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Monday, February 11, 2019 2:41:42 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

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I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Maria Pineda
Kapolei, HI 96707

From: jessica.adkins@everyactioncustom.com on behalf of [Jessica Adkins](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Monday, February 11, 2019 2:11:22 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

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I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Jessica Adkins
Kahului, HI 96732

From: wdatario@everyactioncustom.com on behalf of [Wilson Datario](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Friday, February 8, 2019 2:58:15 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

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I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Wilson Datario
Pepeekeo, HI 96783

From: mrahmer@everyactioncustom.com on behalf of [Mealani Rahmer](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 1:21:34 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

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I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Mealani Rahmer
Pahoa, HI 96778

From: mmg2b@everyactioncustom.com on behalf of [Michelle Gray](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 2:12:48 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

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I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Michelle Gray
Honolulu, HI 96825

From: mgagen@everyactioncustom.com on behalf of [MARILYN J.Gagen](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 7:55:53 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

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I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
MARILYN J. Gagen
Kamuela, HI 96743

From: levin@everyactioncustom.com on behalf of [Mark Levin](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 5:57:59 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Mark Levin
Honolulu, HI 96822

From: mdeycaza@everyactioncustom.com on behalf of [Michael deYcaza](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Friday, February 8, 2019 11:58:29 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Michael deYcaza
Honolulu, HI 96815

From: tsgbrown@everyactioncustom.com on behalf of [Theresa Brown](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Sunday, February 10, 2019 8:23:51 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Theresa Brown
Kailua, HI 96734

From: tenaya.jackman@everyactioncustom.com on behalf of [Tenaya Jackman](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 12:07:25 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Tenaya Jackman
Honolulu, HI 96815

From: kbraun2000@everyactioncustom.com on behalf of [Kathryn Braun](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Friday, February 8, 2019 2:29:55 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Kathryn Braun
Honolulu, HI 96813

From: weinerkauai@everyactioncustom.com on behalf of [Linda Weiner](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 7:33:01 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. Hawaii has one of the highest rates of flavored electronic device use among teens, including middle-schooler, in the nation. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. This method was extremely effective in cutting down on youth cigarette smoking in the 1980's and 1990's. Like those efforts, a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

We owe our children, and all citizens, strong efforts on many fronts to attack and reverse the epidemic of ESD use, which is rapidly addicting new users because of the extremely high nicotine concentrations in the vaping liquids.

I strongly support SB1405 and ask you to pass this out of committee.

Linda Weiner, MD
Pediatrics
Kauai

Sincerely,
Linda Weiner
Kalaheo, HI 96741

From: patriciablair@everyactioncustom.com on behalf of [Patricia Blair](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Friday, February 8, 2019 2:41:00 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee. Banning all together would be best.

Sincerely,
Patricia Blair
Kailua, HI 96734

From: sfey@everyactioncustom.com on behalf of [Shelley Fey](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Friday, February 8, 2019 5:46:11 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Shelley Fey
Honolulu, HI 96821

From: lisa.kakiuchi-gima@everyactioncustom.com on behalf of [Lisa Kakiuchi-Gima](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Monday, February 11, 2019 11:04:21 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Lisa Kakiuchi-Gima
Kahului, HI 96732

From: sshanka2@everyactioncustom.com on behalf of [Surina Shankar](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Tuesday, February 12, 2019 10:14:45 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Surina Shankar
Makawao, HI 96768

From: shayda_marciel@everyactioncustom.com on behalf of [Shayda Marciel](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Monday, February 11, 2019 11:06:24 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Shayda Marciel
Lihue, HI 96766

SB-1405

Submitted on: 2/6/2019 11:12:05 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| P Kuromoto | Individual | Oppose | No |

Comments:

E-cigarettes are scientifically proven to be better than FDA-approved nicotine replacement therapy in promoting smoking cessation. They are important tobacco harm reduction products and online /mail order sales are one of the most important differentiators between them and combustible tobacco products.

Banning online/mail order sales is both economically harmful to Hawaii businesses and harmful to the health of Hawaii consumers.

Furthermore, the concept of counseling youth about "risks and dangers of the use of electronic smoking devices" is highly dishonest and inappropriate as these risks are poorly defined and at least 95% lower than smoking tobacco.

E-cigarettes are the best tobacco harm reduction device known and the campaign against them must end.

From: tiajoaquin@everyactioncustom.com on behalf of [Ti'a Aiwohi Joaquin](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Tuesday, February 12, 2019 11:15:31 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Ti'a Aiwohi Joaquin
Wailuku, HI 96793

From: kurikir001@everyactioncustom.com on behalf of [Ronald Kuriki](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1405, Relating to Electronic Smoking Products
Date: Saturday, February 9, 2019 1:29:05 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1405, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1405 and ask you to pass this out of committee.

Sincerely,
Ronald Kuriki
Honolulu, HI 96816

**TESTIMONY IN SUPPORT OF SB1405
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of SB1405, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called "e-cigs," "vapes," "e-hookahs," "vape pens," and "electronic nicotine delivery systems (ENDS)." Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

The results of a comprehensive review of available evidence done by U.S. Surgeon General in 2016 concluded that tobacco use among youth and young adults in any form, including e-cigarettes, is not safe, and that in recent years, e-cigarette use by youth and young adults has increased at an alarming rate, becoming the most commonly used tobacco product among youth in the United States and in Hawaii.

The report also warned that since e-cigarettes are tobacco products that deliver nicotine, which is a highly addictive and toxic substance, they may pose the risk that many of today's youth who are using e-cigarettes could become tomorrow's cigarette smokers to continue to feed their nicotine addiction. Moreover, nicotine exposure can harm brain development in ways that may affect the neurological development and mental health of children and adolescents.

Increases in tobacco taxes decrease tobacco use. Raising taxes on tobacco and thereby increasing its price is one of the most effective ways to reduce tobacco use. Prices affect virtually all measures of tobacco use, including per-capita consumption, smoking rates and the number of cigarettes smoked daily. These effects apply across a wide range of racial and socioeconomic groups.

Currently, everyone other tobacco product in our state is taxed except for e-cigarettes. For the sake of parity in how we tax tobacco products, I urge you to support **SB1405**, which would tax electronic smoking devices, more commonly known as e-cigarettes.

Liue Khong
Print Name

Kuneh, Hawaii, 96744
City Zip Code

**TESTIMONY IN SUPPORT OF SB1405
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of SB1405, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called "e-cigs," "vapes," "e-hookahs," "vape pens," and "electronic nicotine delivery systems (ENDS)." Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

The results of a comprehensive review of available evidence done by U.S. Surgeon General in 2016 concluded that tobacco use among youth and young adults in any form, including e-cigarettes, is not safe, and that in recent years, e-cigarette use by youth and young adults has increased at an alarming rate, becoming the most commonly used tobacco product among youth in the United States and in Hawaii.

The report also warned that since e-cigarettes are tobacco products that deliver nicotine, which is a highly addictive and toxic substance, they may pose the risk that many of today's youth who are using e-cigarettes could become tomorrow's cigarette smokers to continue to feed their nicotine addiction. Moreover, nicotine exposure can harm brain development in ways that may affect the neurological development and mental health of children and adolescents.

Increases in tobacco taxes decrease tobacco use. Raising taxes on tobacco and thereby increasing its price is one of the most effective ways to reduce tobacco use. Prices affect virtually all measures of tobacco use, including per-capita consumption, smoking rates and the number of cigarettes smoked daily. These effects apply across a wide range of racial and socioeconomic groups.

Currently, everyone other tobacco product in our state is taxed except for e-cigarettes. For the sake of parity in how we tax tobacco products, I urge you to support **SB1405**, which would tax electronic smoking devices, more commonly known as e-cigarettes.

Anne Dang
Print Name

Hon, Hawaii, 96813
City Zip Code

**TESTIMONY IN SUPPORT OF SB1405
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of SB1405, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called "e-cigs," "vapes," "e-hookahs," "vape pens," and "electronic nicotine delivery systems (ENDS)." Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

The results of a comprehensive review of available evidence done by U.S. Surgeon General in 2016 concluded that tobacco use among youth and young adults in any form, including e-cigarettes, is not safe, and that in recent years, e-cigarette use by youth and young adults has increased at an alarming rate, becoming the most commonly used tobacco product among youth in the United States and in Hawaii.

The report also warned that since e-cigarettes are tobacco products that deliver nicotine, which is a highly addictive and toxic substance, they may pose the risk that many of today's youth who are using e-cigarettes could become tomorrow's cigarette smokers to continue to feed their nicotine addiction. Moreover, nicotine exposure can harm brain development in ways that may affect the neurological development and mental health of children and adolescents.

Increases in tobacco taxes decrease tobacco use. Raising taxes on tobacco and thereby increasing its price is one of the most effective ways to reduce tobacco use. Prices affect virtually all measures of tobacco use, including per-capita consumption, smoking rates and the number of cigarettes smoked daily. These effects apply across a wide range of racial and socioeconomic groups.

Currently, everyone other tobacco product in our state is taxed except for e-cigarettes. For the sake of parity in how we tax tobacco products, I urge you to support **SB1405**, which would tax electronic smoking devices, more commonly known as e-cigarettes.

IRALE J. BAYARTAN
Print Name

WAILANA, Hawaii, 96786
City Zip Code

**TESTIMONY IN SUPPORT OF SB1405
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of SB1405, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called "e-cigs," "vapes," "e-hookahs," "vape pens," and "electronic nicotine delivery systems (ENDS)." Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

The results of a comprehensive review of available evidence done by U.S. Surgeon General in 2016 concluded that tobacco use among youth and young adults in any form, including e-cigarettes, is not safe, and that in recent years, e-cigarette use by youth and young adults has increased at an alarming rate, becoming the most commonly used tobacco product among youth in the United States and in Hawaii.

The report also warned that since e-cigarettes are tobacco products that deliver nicotine, which is a highly addictive and toxic substance, they may pose the risk that many of today's youth who are using e-cigarettes could become tomorrow's cigarette smokers to continue to feed their nicotine addiction. Moreover, nicotine exposure can harm brain development in ways that may affect the neurological development and mental health of children and adolescents.

Increases in tobacco taxes decrease tobacco use. Raising taxes on tobacco and thereby increasing its price is one of the most effective ways to reduce tobacco use. Prices affect virtually all measures of tobacco use, including per-capita consumption, smoking rates and the number of cigarettes smoked daily. These effects apply across a wide range of racial and socioeconomic groups.

Currently, everyone other tobacco product in our state is taxed except for e-cigarettes. For the sake of parity in how we tax tobacco products, I urge you to support **SB1405**, which would tax electronic smoking devices, more commonly known as e-cigarettes.

Robert Oda

Print Name

Waipahu, Hawaii, 96797
City Zip Code

**TESTIMONY IN SUPPORT OF SB1405
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of SB1405, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called "e-cigs," "vapes," "e-hookahs," "vape pens," and "electronic nicotine delivery systems (ENDS)." Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

The results of a comprehensive review of available evidence done by U.S. Surgeon General in 2016 concluded that tobacco use among youth and young adults in any form, including e-cigarettes, is not safe, and that in recent years, e-cigarette use by youth and young adults has increased at an alarming rate, becoming the most commonly used tobacco product among youth in the United States and in Hawaii.

The report also warned that since e-cigarettes are tobacco products that deliver nicotine, which is a highly addictive and toxic substance, they may pose the risk that many of today's youth who are using e-cigarettes could become tomorrow's cigarette smokers to continue to feed their nicotine addiction. Moreover, nicotine exposure can harm brain development in ways that may affect the neurological development and mental health of children and adolescents.

Increases in tobacco taxes decrease tobacco use. Raising taxes on tobacco and thereby increasing its price is one of the most effective ways to reduce tobacco use. Prices affect virtually all measures of tobacco use, including per-capita consumption, smoking rates and the number of cigarettes smoked daily. These effects apply across a wide range of racial and socioeconomic groups.

Currently, everyone other tobacco product in our state is taxed except for e-cigarettes. For the sake of parity in how we tax tobacco products, I urge you to support **SB1405**, which would tax electronic smoking devices, more commonly known as e-cigarettes.

Kimberly Sakamoto
Print Name

Kailua, Hawaii, 96734
City Zip Code

**TESTIMONY IN SUPPORT OF SB1405
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of SB1405, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called "e-cigs," "vapes," "e-hookahs," "vape pens," and "electronic nicotine delivery systems (ENDS)." Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

The results of a comprehensive review of available evidence done by U.S. Surgeon General in 2016 concluded that tobacco use among youth and young adults in any form, including e-cigarettes, is not safe, and that in recent years, e-cigarette use by youth and young adults has increased at an alarming rate, becoming the most commonly used tobacco product among youth in the United States and in Hawaii.

The report also warned that since e-cigarettes are tobacco products that deliver nicotine, which is a highly addictive and toxic substance, they may pose the risk that many of today's youth who are using e-cigarettes could become tomorrow's cigarette smokers to continue to feed their nicotine addiction. Moreover, nicotine exposure can harm brain development in ways that may affect the neurological development and mental health of children and adolescents.

Increases in tobacco taxes decrease tobacco use. Raising taxes on tobacco and thereby increasing its price is one of the most effective ways to reduce tobacco use. Prices affect virtually all measures of tobacco use, including per-capita consumption, smoking rates and the number of cigarettes smoked daily. These effects apply across a wide range of racial and socioeconomic groups.

Currently, everyone other tobacco product in our state is taxed except for e-cigarettes. For the sake of parity in how we tax tobacco products, I urge you to support **SB1405**, which would tax electronic smoking devices, more commonly known as e-cigarettes.

Kimberly Li
Print Name

Honolulu, Hawaii, 96814
City Zip Code

**TESTIMONY IN SUPPORT OF SB1405
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of SB1405, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called "e-cigs," "vapes," "e-hookahs," "vape pens," and "electronic nicotine delivery systems (ENDS)." Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

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Sel Bruno
Print Name

Kailua, Hawaii, 96734
City Zip Code

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Walter Siefker
Print Name

Honolulu, Hawaii, 96822
City Zip Code

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Valerie Tora

Print Name

Honolulu

City

Hawaii,

96818

Zip Code

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Kristen Nguyen
Print Name

Honolulu, Hawaii, 96822
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Christal Rapp

Print Name

Honolulu
City

, Hawaii, 96822
Zip Code

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Gavin Armistead
Print Name

Honolulu, Hawaii, 96822
City Zip Code

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Sapoulyn Powave
Print Name

Pearl City, Hawaii, 96782
City Zip Code

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Kiran Datwani
Print Name

Honolulu, Hawaii, 96822
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Kee. Soo
Print Name

Honolulu, Hawaii, 96868
City Zip Code

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GARY ASATO
Print Name

MILILANI, Hawaii, 96789
City Zip Code

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KEVIN WAUGH

Print Name

Honolulu, Hawaii, 96818
City Zip Code

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Jenilee Carbajal
Print Name

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City Zip Code

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Emman Snyu

Print Name

Honolulu, Hawaii, 96813

City

Zip Code

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Angus Wall

Print Name

Honolulu, Hawaii, *96813*

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Corena Gregorio
Print Name

Maheo, Hawaii, 96822
City Zip Code

**TESTIMONY IN SUPPORT OF SB1405
RELATING TO ELECTRONIC SMOKING PRODUCTS**

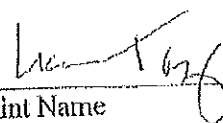
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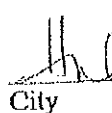
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Rochele Wierwo

Print Name

Honolulu, Hawaii, 96813
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Karen Kouri
Print Name

Honolulu, Hawaii, 96813
City Zip Code

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Emily Bautista

Print Name

Aiea, Hawaii, 96701
City Zip Code

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Mehima Kang
Print Name

Honolulu, Hawaii, 96822
City Zip Code

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Edmel Ronquillo
Print Name

Honolulu, Hawaii, 96822
City Zip Code

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Samantha DUBOIS
Print Name

Wahiawa, Hawaii, 96786
City Zip Code

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Julienne Saladino

Print Name

Honolulu, Hawaii, 96819
City Zip Code

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Jairah Mae Pascual
Print Name

Honolulu, Hawaii, 96817
City Zip Code

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Maggie Young
Print Name

Honolulu, Hawaii, 96822
City Zip Code

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Kylee Lopes
Print Name

Honolulu, Hawaii, 96826
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Destree Lopez
Print Name

Honolulu, Hawaii, 96818
City Zip Code

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Correna Lee Knight
Print Name

Aiea, Hawaii, 96701
City Zip Code

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KATHERINE VILLANUEVA
Print Name

KIHU, Hawaii, 96753
City Zip Code

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Jill Chapman
Print Name

Honolulu, Hawaii, 96826
City Zip Code

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Ryan Abe

Print Name

Honolulu, Hawaii, 96815

City

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LISA NAMATAME
Print Name

Honolulu, Hawaii, 96826
City Zip Code

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Alyssa H. Sumibay
Print Name

Honolulu, Hawaii, 96822
City Zip Code

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Xenia Urpanil
Print Name

Lanai, Hawaii, 96763
City Zip Code

**TESTIMONY IN SUPPORT OF SB1405
RELATING TO ELECTRONIC SMOKING PRODUCTS**

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The report also warned that since e-cigarettes are tobacco products that deliver nicotine, which is a highly addictive and toxic substance, they may pose the risk that many of today’s youth who are using e-cigarettes could become tomorrow’s cigarette smokers to continue to feed their nicotine addiction. Moreover, nicotine exposure can harm brain development in ways that may affect the neurological development and mental health of children and adolescents.

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Ashley Choo
Print Name

Honolulu, Hawaii, 96816
City Zip Code

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Lei-Ann Manera
Print Name

Honolulu, Hawaii, 96826
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Print Name

Honolulu, Hawaii, 96819
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Windsay Freeman
Print Name

Waialua, Hawaii, 96791
City Zip Code

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Ryan Tsang

Print Name

Honolulu, Hawaii, 96820

City

Zip Code

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Carne Teramoto
Print Name

Hon, Hawaii, 96817
City Zip Code

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Shana Takahashi
Print Name

Kaneohe, Hawaii, 96744
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Honolulu, Hawaii, 96819
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LEILANI CURTIS
Print Name

HAOLE KAA, Hawaii, 96815
City Zip Code

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Candice Shintani
Print Name

Mililani, Hawaii, 90789
City Zip Code

SB-1405

Submitted on: 2/12/2019 1:42:33 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Theresa Revell | Individual | Oppose | No |

Comments:

Aloha Senators,

Please oppose this proposal.

Respectfully submitted,

Theresa Revell

LATE

SB-1405

Submitted on: 2/12/2019 5:03:30 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|---|-----------------------|-----------------------|
| Michael Zehner | Testifying for Hawaii Smokers Alliance | Oppose | No |

Comments:

SB-1405

Submitted on: 2/13/2019 2:08:52 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------------|--|--------------------|--------------------|
| De MONT R. D. CONNER | Testifying for Ho'omanapono Political Action Committee (HPAC) | Support | Yes |

Comments:



American Heart Association testimony in SUPPORT of SB 1405, Relating to Electronic Smoking Products

Chairman of the Board
Mark Yamakawa

President
Kahealani Rivera, MD

Board Members
Rick Bruno, MD, FACEP
Brandt Farias
Mimi Harris
David Honma
Glen Kaneshige
Brandon Kurisu
Howard Lee
Michael Lui, MD
Kazuma Nakagawa, MD,
FAAN, FAHA
Barbara Petrus
Andrew Rosen
Dave Underriner
Elisa Yadao

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Office: (808) 377-6630
Fax: (808) 524-0556

Neighbor Islands:
Served by the Oahu office

The American Heart Association supports SB 1405 which makes unlawful shipment of E-liquid products to anyone other than a licensee or permittee, includes e-liquid within the definition of "tobacco products" within existing cigarette tax and tobacco tax state law, increases the license fee for wholesalers or dealers and the retail tobacco permit fee, and allocates a portion of the tobacco tax revenue into the State Tobacco Prevention and Control Trust Fund.

While Federal law already prohibits the delivery and shipment of cigarettes, adding a state restriction on the direct delivery and shipment of electronic smoking devices to consumers would help to close the online sales loophole of those products and help to protect Hawaii's youth from unscrupulous marketers of those products.

Internet sales of tobacco products and e-cigarettes are a significant public health concern because they evade state taxes and significantly undermine tobacco control efforts. In Hawaii, it is currently illegal to sell tobacco products, including e-cigarettes, to those under the age of 21. Hawaii's age to 21 law plays a critical role in preventing youth initiation and addiction to tobacco products, yet internet sellers can circumvent this restriction by providing easy access to these products.

E-cigarettes are now the most popularly used tobacco product among Hawaii's youth. According to recent Department of Health data, approximately 42 percent of Hawaii's youths have tried e-cigarettes, and 25 percent are now regular users. On neighbor island, regular use of e-cigarettes by youths tops 30 percent. This is concerning because e-cigarettes often contain nicotine and serve as a gateway to traditional cigarette use. Recent studies also indicate

that e-cigarettes produce the same cardiovascular and respiratory risks as traditional cigarettes. A study presented at the American Stroke Association's International Stroke Conference held last week at the Hawaii Convention Center finds that using e-cigarettes may increase the odds of having a stroke, heart attack and coronary heart disease. The researchers found compared with non-users, e-cigarette users had:

- 71 percent higher risk of stroke;
- 59 percent higher risk of heart attack or angina;
- 40 percent higher risk of coronary heart disease; and
- Double the rate of cigarette smoking.

By adding e-liquid within the definition of the state's "tobacco products" it would apply the tobacco tax to those products. This would have the greatest impact on reducing e-cigarette use rates among the youth market, which is more price sensitive, and which is the most highly targeted by tobacco industry marketing and advertising.

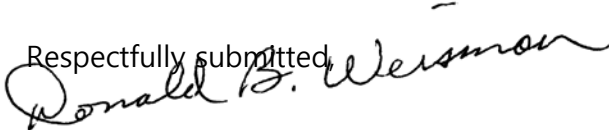
In Hawaii, tobacco use claims 1,400 lives each year and creates \$526 million in annual health care costs (\$141.7 million of that is covered by the state Medicaid program). Hawaii residents' state & federal tax burden from tobacco-caused government expenditures is \$836 per household. Hawaii's estimated tobacco tax and license revenue, estimated to be almost \$138.8 million does not come close to offsetting the losses to the state caused by tobacco use. Tobacco use declines related to state taxes directly reduce these smoking-caused economic burdens for all taxpayers, and Hawaii businesses which bear the brunt of employee healthcare costs in our state.

The tobacco industry spends an estimated \$25.5 million each year marketing its products in Hawaii. Hawaii's \$5.3 million investment in tobacco prevention, control and cessation programs pale in comparison, and fall well short of the Centers for Disease Control's (CDC) best practice recommendation of a \$13.7 million annual investment. Allocating revenue generated from taxing tobacco products to community prevention, education and cessation programs would help to increase the desired impact of this legislation by further reducing the

use of electronic smoking devices by our youth and most health vulnerable populations.

The American Heart Association urges you to correct the loophole in our state's age restriction, taxation, and public health laws. It is imperative to continue to curtail tobacco use in any form, especially among our youth, if we are to control our state's healthcare costs and keep its Pre-Paid Healthcare law sustainable.

Please support SB 1405.

Respectfully submitted,


Donald B. Weisman

Hawaii Government Relations/Communications Director